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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10 BANK OF AMERICA, N.A.,

Case No.: 2:16-cv-01692-APG-GWF

11 Plaintiff,

12 vs.
13 **STIPULATION AND ORDER TO**
14 **EXTEND DISCOVERY DEADLINES**
15 **(FIRST REQUEST)**

16 OPERTURE INC., a corporation; BRIDGER
17 INVESTMENT LLC, a Nevada limited liability
18 company; GEORGE PETER LEE; ALESSI &
19 KOENIG, LLC, a Nevada limited liability
20 company; INDIGO HOMEOWNERS'
21 ASSOCIATION, a Nevada non-profit
22 corporation; and DOES I through X, and ROE
23 CORPORATIONS I through X, inclusive,

24 Defendants.

25 Pursuant to Local Rules 6-1 and 26-4, Plaintiff, BANK OF AMERICA, N.A. (“BANA”),
26 through its counsel of record, Aaron D. Lancaster, Esq., GEORGE PETER LEE (“Mr. Lee”),
27 through its counsel of record, Andrew P. Dunning, Esq. and INDIGO HOMEOWNERS
28 ASSOCIATION (“HOA”), through its counsel of record T. Chase Pittsenbarger, Esq., submit
this Stipulation and Order to extend discovery by one hundred and eighty (180) days. This is the
parties’ first request for an extension.

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1 **A. INTRODUCTION**

2 This dispute arises out of Plaintiff's complaint, which asks the Court for a determination
3 and declaration: (1) quiet title/declaratory relief of the subject property, (2) injunctive relief, (3)
4 Unjust enrichment, (4) wrongful foreclosure, (5) negligence, (6) negligence per se, (7) breach of
5 contract, (8) misrepresentation, and (9) tortious interference of contract.

6 In this matter an Order Granting Motion for Default Judgment [ECF No. 45] was entered
7 on February 7, 2018, against Defendants George Peter Lee and Bridger Investment LLC. After
8 the entry of the Order Granting Motion for Default Judgment counsel made an appearance on
9 behalf of the Defendant George Peter Lee [ECF No. 46]. On March 28, 2018, the Court entered
10 a Stipulation and Order Limited Stay as to Claims Asserted Against Indigo Homeowners'
11 Association [ECF No. 53].

12 The parties have filed a Stipulation and Order to: (1) Set Aside Clerk's Default; and (2)
13 Vacate Default Judgment Against Defendant George Peter Lee [ECF No. 58]. Further, the
14 parties have requested the Stipulation and Order Limited Stay as to Claims Asserted Against
15 Indigo Homeowners' Association [ECF No. 53] be lifted and set aside. Now, the parties
16 stipulate to an extension of discovery by one hundred and eighty (180) days.
17

18 **B. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

19 On November 21, 2017, the Court entered a Scheduling Order which set the following
20 deadlines:

21 (a) Discovery Cut Off: 3/28/2018
22 (b) Last day to file motions to amend pleadings or add parties: 12/29/2017
23 (c) Initial Expert Disclosures: 1/29/2018
24 (d) Rebuttal Expert Disclosures: 2/27/2018
25 (e) Dispositive Motions: 4/27/2018

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1 The following discovery has been completed:

2 (1) Plaintiff served its Initial Disclosures on December 5, 2017.

3 (2) HOA served its Initial Disclosures on March 28, 2018.

4 (3) HOA served its Interrogatories, Request for Admissions, and Request for Production of
5 Documents upon BANA on February 26, 2018.

6 (4) BANA served its Responses to HOA's Requests for Admission on March 13, 2018.

7 (5) BANA served its Responses to HOA's Plaintiff's Interrogatories and Requests for
8 Production of Documents on March 16, 2018.

9

10 **C. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE
COMPLETED.**

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12 (A) Depositions. Parties anticipate taking the deposition of Plaintiff, Mr. Lee, HOA, Operture
13 Inc., Bridger Investment LLC, and Alessi & Koenig, LLC. Additional deponents may be
14 identified through the discovery process.

15 (B) Written Discovery. (1) Mr. Lee's Initial Disclosures, (2) BANA's Interrogatories,
16 Requests for Admission and Request for Production of Documents upon HOA, (4)
17 BANA's Interrogatories, Requests for Admission and Request for Production of
18 Documents upon Mr. Lee, (4) subpoena duces tecum to Operture Inc. and Bridger
19 Investment LLC, (5) subpoena duces tecum to Alessi & Koenig, LLC, and (6) Mr. Lee's
20 written discovery requests.

21 The parties reserve the right to participate in additional discovery during the time frames
22 outlined below should the need arise.

23

24 **D. REASONS WHY THE DISCOVERY REMAINING WILL NOT BE
COMPLETED WITHIN THE TIME FRAMES SET BY THE DISCOVERY
ORDER.**

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26 BANA did not complete discovery because on February 7, 2018, this Court entered an
27 Order Granting Motion for Default Judgment [ECF No. 45], against Defendants George Peter
28

1 Lee and Bridger Investment LLC. After the entry of the Order Granting Motion for Default
2 Judgment counsel made an appearance on behalf of the Defendant George Peter Lee [ECF No.
3 46]. If the Court sets aside the Default Judgment against Mr. Lee, the parties request that the
4 Stipulation and Order Limited Stay as to Claims Asserted Against Indigo Homeowners'
5 Association [ECF No. 53] entered by the Court on March 28, 2018 be lifted.

6 Accordingly, the parties seek an extension of the discovery deadlines to complete the
7 above set forth discovery. Good cause and excusable neglect exists to extend discovery in this
8 action because the of the Order Granting Motion for Default Judgment [ECF No. 45], against
9 Defendants George Peter Lee and Bridger Investment LLC and the subsequent setting aside of
10 the Default Judgment as to Mr. Lee.

11 This extension will not unduly delay the progress of this case, but rather will allow the
12 parties to further explore settlement options, coordinate discovery given the current scheduling
13 conflicts and seek discovery.

14 The parties submit this stipulation in good faith and without the purpose of undue delay.

15 **E. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

16 (A) Discovery Cut-Off Date: October 31, 2018

17 (B) Amending the Pleadings and Adding Parties: August 2, 2018

18 (C) Initial Experts: September 4, 2018

19 (D) Rebuttal Experts: October 1, 2018

20 (E) Dispositive Motions: November 30, 2018

21 (F) Pre-Trial Order: January 2, 2019.

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1 **F. CURRENT TRIAL DATE.**

2 This case has not yet been set for trial.

3 MAY 21, 2018

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4 MAY 21, 2018

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12 May 21, 2018

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19 *Lee*

20 **ORDER**

21 **IT IS SO ORDERED.**

22 Dated this 23 day of May, 2018.



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24 UNITED STATES MAGISTRATE JUDGE